REMARKS

Claims 1-17 are pending in the present application ("Application"). The Applicant respectfully requests reconsideration of the Application in view of these amendments and the following remarks.

I. AMENDED SPECIFICATION

In paragraphs 4 and 5 of the Office Action dated June 3, 2005, the Examiner objected to portions of the Abstract and paragraph [0023] of the Specification. The Abstract and paragraph [0023] of the Specification have been amended in a manner which the Applicants believe addresses the substance of those objections and renders those objections moot. Therefore, the Applicants respectfully request the withdrawal of the objections to the Specification.

II. CLAIM REJECTIONS

In paragraph 6 of the Office Action, the Examiner objected to claims 1, 5, 12, and 13. Those claims have been amended in a manner which the Applicants believe addresses the substance of those objections and renders those objections moot. Therefore, the Applicants respectfully request the withdrawal of the objections to claims 1, 5, 12, and 13.

III. NON-STATUTORY SUBJECT MATTER REJECTIONS

In paragraph 8 of the Office Action, the Examiner rejected claims 1, 8 and 17 under 35 U.S.C. 101 as assertedly not being directed to statutory subject matter. The Applicants respectfully traverse these rejections. 35 U.S.C. 101 provides that a process is statutory subject matter, and there is no statutory or other requirement that a process requires the use of computer hardware. "A claim that requires one or more acts to be performed defines a process." MPEP 2106 2(b). Claims 1, 8, and 17 are limited to practical applications because each produces a concrete, tangible and useful result. However, in the interest of furthering prosecution, the Applicants have amended claims 1, 5 (upon which claim 8 depends), and claim 17 such that the claims include the limitation that at least one of each claim's acts is

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implemented using at least one data processing system. Therefore, the Applicants respectfully request the withdrawal of the 35 U.S.C. 101 rejections of claims 1, 8, and 17.

IV. THE CLAIMS ARE PATENTABLE OVER THE CITED PRIOR ART

A. Paragraph 9 Rejections of Claims 1-3, 5-7, 9-11 and 13-15

Claims 1-3, 5-7, 9-11 and 13-15 stand rejected under 35 U.S.C. 102(b) as being assertedly anticipated by Bohm et al., U.S. Patent No. 5,404,507 ("Bohm"). The Applicants respectfully traverse these rejections. Claim 1 is an independent claim, and claims 2 and 3 are dependent, directly or indirectly, upon claim 1. Claim 5 is an independent claim, and claims 6 and 7 are dependent, directly or indirectly, upon claim 5. Claim 9 is an independent claim, and claims 10 and 11 are dependent, directly or indirectly, upon claim 9. Claim 13 is an independent claim, and claims 14 and 15 are dependent, directly or indirectly, upon claim 13.

1. Claim 1

Claim 1 as amended recites a method for comparing a query against data contained within a database comprising the steps of: (a) receiving said query; (b) extracting a plurality of attributes from said query; (c) converting said plurality of attributes from said query, using at least one linguistic pattern matching analytical tool, into a plurality of linguistic pattern strings; (d) comparing said plurality of linguistic pattern strings with at least one stored linguistic pattern string from at least one stored attribute contained within said database for providing a set of matches; (e) analyzing each match of said set of matches, using said at least one linguistic pattern matching analytical tool, to provide at least one set of matched attributes; (f) combining all of said at least one set of matched attributes to provide a combined result; and (g) wherein at least one of the actions of receiving, extracting, converting, comparing, analyzing, and combining is implemented using a data processing system.

2. The Bohm Patent Does Not Disclose the Features of Claim 1

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (quoting *Verdegaal Bros. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Applicants respectfully submit that Bohm does not disclose all the features of claim 1. In contrast to the sequence and steps recited in the Applicant's claim 1, Bohm discloses the following sequence and steps:Receiving a customer request; (col. 6, ll. 27-29)

Extracting target words from the customer request; (col. 6, ll. 27-33)

Generating search expressions which supplement each target word with terms and phrases that contain the equivalent representation of the intended term derived from the original target word; (col. 3, ll. 48-53);

Comparing the target words and their equivalent representations against one or more databases; and (col. 6, ll. 49-52; col. 6, l. 65 - col. 7, l. 2; col. 8, ll. 37-46.); and

Individually analyzing each match for a "high enough closeness value;" if the match is close enough, "the system automatically generates a request for the desired item," and if there is not a close enough match and there are no further queries to execute, "the process is exited." (col. 7, ll. 15-28).

A comparison of step (e) of claim 1 and Bohm's step of analyzing matches for "closeness value" shows the clear contrast between those steps. Claim 1 and Bohm perform different actions after analyzing the matches. While step (e) of claim 1 uses the matches "to provide at least one set of matched attributes," Bohm uses its matches to either generate a request for the item or to exit the program. Col. 7, ll. 15-28. Thus, Bohm does not "provide at least one set of matched attributes" from an analysis "of each set of matches."

Regarding step (f), Bohm does not combine matched attributes to provide a combined result. In order to, as required in step (f) of claim 1, combine all of "said" matched attributes into a combined result -- one must first have matched attributes. Thus, step (f) must necessarily follow step (e) where matched attributes are generated. Matched attributes are generated from an analysis of each match of "said" set of matches. Thus, one must first have

a set of matches. Therefore, step (e) must necessarily follow step (d) in which a set of matches is generated.

However, the sequence in Bohm cited by the Examiner does not follow such sequence -- reflecting that Bohm in fact does not disclose the "combining all of said at least one set of matched attributes to provide a combined result" (step f) but rather the Bohm sections cited by the Examiner in fact refers to the earlier step of individually analyzing each match for a "high enough closeness value" and either generating a request for the desired item or exiting the process is exited.

In support for the assertion that Bohm discloses "analyzing each match of said set of matches, using said at least one linguistic pattern matching analytical tool, to provide at least one set of matched attributes" (step (e)), the Examiner cites to Bohm, **column 7, lines 8-11, 15-28**, and 36-39. Then the Examiner cites to **the same sections of column 7, lines 8-28**[1] for the assertion that Bohm teaches "combining all of said at least one set of matched attributes to provide a combined result" (step (f)) -- a step that necessarily, under the limitations of claim 1, must **follow** step (e) (i.e., analyzing each match to provide at least one set of matched attributes). The same action cannot constitute both steps. As reflected in column 7, lines 8-28, the disclosed action therein cannot comprise both step (e) and (f).

Bohm, column 7, lines 8-28, which the Examiner cites as disclosing both steps (e) and (f) of claim 1 reads:

> From step 307, the process advances to step 309 where the queries are executed in the order of most restrictive to least restrictive. Thus the query containing the most search expressions is executed first. If no candidates are found during the execution of the first one of the ordered queries, the next query in the order is executed, until one or more candidates is retrieved.
>
> As each query is executed, the results are handed to step 310 for evaluation. If a single candidate is retrieved with a high enough closeness value (step 311), the process is exited and the system automatically generates a request for the desired item, such as, in the case of a book, an order directly to the appropriate publisher. If a single candidate is not retrieved with a high enough closeness value, the candidates

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[1] Column 7, lines 12-14 pertains to the steps described in the other portions of lines 8-28. Likewise column 7, lines 36-39 pertains to the steps described in lines 8-28. Thus, the Examiner's column and line citations for steps (e) and (f) designate identical actions in Bohm, specifically Bohm steps 307-313.

values are saved in a list in step 312 and a determination is made in step 313 as to there being another query to execute. If no queries are left to execute, the process is exited and the results of the candidates are reported. If additional queries remain unexecuted, the process returns to step 309 where the next one of these queries is executed.

The above stated process begins with step 309 "where the queries are executed." Thus, under the Examiner's argument, step 309 discloses step (d) of claim 1 or, in other words, disclose executing a comparison within a database for providing a set of matches. The remainder of the above stated process (steps 310-313) assertedly, under the Examiner's argument, are equivalent to step (e) of claim 1 or, in other words, disclose analyzing each match to provide at least one set of matched attributes. None of Bohm's steps 309-313 disclose element (f) of claim 1 that is "combining all of said at least one set of matched attributes to provide a combined result."

Because, as discussed in the preceding two pages of this Response, the antecedent bases and language of claim 1 require a certain chronological sequence -- Bohm, if in fact it did disclose the limitations of claim 1, would necessarily likewise have to follow the same chronological sequence. Bohm in fact does follow a chronological sequence and the sequence is set forth in actions numbered 301-313. Bohm, Figure 3. However, for the reasons discussed above, attempt to match Bohm's numbered actions 301-313 with steps (a)-(f) make clear that Bohm doe not disclose step (f) of claim 1.

For at least the above reasons, the Applicants submit that claim 1 is patentable over Bohm. The Applicants therefore respectfully request that the rejection of claim 1 under 35 U.S.C. 102(b) be withdrawn.

3. Claims 2 and 3

Claims 2 and 3 are dependent, directly or indirectly, on claim 1, which has been shown to be patentable over Bohm. The Applicants submit that by virtue of their dependency, claims 2 and 3 must also be patentable over Bohm. The Applicants therefore respectfully request that the rejections of claims 2 and 3 be withdrawn as well.

4. Claim 5

Claim 5 as amended recites a method of comparing query information about a party against a plurality of restricted parties information contained within a database comprising the steps of: (a) receiving said query about said party; (b) extracting a plurality of attributes from said query; (c) converting said plurality of attributes from said query, using at least one linguistic pattern matching analytical tool, into a plurality of linguistic pattern strings; (d) comparing said plurality of linguistic pattern strings with at least one stored linguistic pattern string from said plurality of restricted parties information contained within said database for providing a set of matches; (e) analyzing each match of said set of matches, using said at least one linguistic pattern matching analytical tool, to provide at least one set of matched attributes; (f) combining all of said at least one set of matched attributes to provide a combined result; and (g) wherein at least one of the actions of receiving, extracting, converting, comparing, analyzing, and combining is implemented using a data processing system.

5. The Bohm Patent Does Not Disclose the Features of Claim 5

Claim 5 has been amended such that the query must be about a party and the database must contain a plurality of restricted parties information. The Applicants respectfully submits that Bohm does not disclose all the features of claim 5. For example, Bohm does not disclose receiving a query *about a party*. Bohm merely discloses receiving a customer request (col. 6, ll. 27-28), e.g., the title of a book (col. 3. ll. 61-63) and not necessarily (as required in claim 5) a query about a party. Thus, Bohm does not contain the limitation that the query pertain to *a party*. Nor does Bohm contain the limitation that the database contain a plurality of restricted parties information.

For at least the above reasons, the Applicants submit that claim 5 is patentable over Bohm. The Applicants therefore respectfully request that the rejection of claim 5 under 35 U.S.C. 102(b) be withdrawn.

6. Claims 6 and 7

Claims 6 and 7 are dependent, directly or indirectly, on claim 5, which has been shown to be patentable over Bohm. The Applicants submit that by virtue of their dependency, claims 6 and 7 must also be patentable over Bohm. The Applicants therefore respectfully request that the rejections of claims 6 and 7 be withdrawn as well.

7. Claim 9

Claim 9 as amended recites system for comparing a query against data contained within at least one database comprising: (a) a central processing unit having at least one electronic communications port for receiving said query, wherein said central processing unit is attached to said at least one database; (b) at least one extraction tool accessible to said central processing unit for extracting a plurality of attributes from said query; (c) at least one linguistic pattern analytical tool accessible to said central processing unit for converting said plurality of attributes from said query into a plurality of linguistic pattern strings, and for comparing said plurality of linguistic pattern strings with at least one stored linguistic pattern string contained within at least one of said database for providing a set of matches; (d) said at least one linguistic pattern analytical tool accessible to said central processing unit for analyzing each match of said set of matches to provide at least one set of matched attributes; and (e) at least one combining tool accessible to said central processing unit for combining all of said at least one set of matched attributes to provide a combined result.

8. The Bohm Patent Does Not Disclose the Features of Claim 9-15

The Applicants respectfully submits that Bohm does not disclose all the features of claims 9-15. The Examiner has stated in the Office Action (¶ 10) that claims 9-15 "are rejected with the same rationale as given for claims [c0001] - [c0003] [now amended as designated as 1-3]." In the interest of brevity, the Applicants incorporate by reference its arguments set forth above regarding claims 1-3. Claims 1-3 have been shown to be patentable over Bohm. Therefore, by virtue of the rejections of claims 9-15 being based upon the same rationale as the rejections of claims 1-3 -- which have been shown to be patentable -- claims 9-15 are also patentable over Bohm. The Applicants therefore respectfully request that the rejections of claims 9-15 under 35 U.S.C. 102(b) be withdrawn.

B. Paragraph 13 Rejections of Claims 4, 8, 12, 16 and 17

Claims 4, 8, 12, 16 and 17 stand rejected under 35 U.S.C. 103(a) as being assertedly unpatentable over Bohm in view of Wheeler et al., U.S. Patent Number 6,618,727 ("Wheeler") and Lambert, U.S. Patent Number 6,529,892. The Applicants respectfully traverse these rejections.

1. Claim 4

Claim 4 as amended recites the method of claim 1, further comprising the step of employing a Metaphone based analysis, a Phonex based analysis, a Soundex based analysis, an N-gram based analysis, an edit-distance based analysis and a dictionaries based analysis.

2. The Cited Combination Does Not Disclose the Features of Claim 4

To establish a prima facie case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary of ordinary skill in the art, to modify the reference or to combine reference teachings, there must be a reasonable expectation of success, and the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142. "It is never appropriate to rely solely on 'common knowledge' in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based." MPEP § 2144.03 A.

The Applicants respectfully submit that the cited combination of Bohm, Wheeler and Lambert does not disclose all the features of claim 4. For example, as previously discussed above, Bohm does not disclose all the limitations of claim 1, and Wheeler and Lambert do not cure those deficiencies.

By way of further example, the cited combination does not disclose the step of a dictionaries based analysis. The Examiner cites to Bohm's disclosure of a list of words and a definition of "dictionary" contained in the American Heritage College Dictionary, Fourth Edition, as "[a] list of words stored in machine-readable form, as by spelling-checking

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software" for assertion that Bohm discloses a dictionaries based analysis. The Appellants

respectfully contest such assertion.

The complete definitions of the American Heritage College Dictionary, Fourth

Edition, of dictionary is:

> 1. A reference book containing an alphabetical list of words, with information given for each word, usually including meaning, pronunciation, and etymology. 2. A book listing the words of a language with translations into another language. 3. A book listing words or other linguistic items in a particular category or subject with specialized information about them: *a medical dictionary.* 4. *Computer Science* a. A list of words stored in machine-readable form for reference, as by spelling-checking software. b. An electronic spelling checker.

Thus, the referenced definition is the fourth listed meaning, signifying its less

common meaning. Further, as reflected by the specification and claims of the Application,

the term "dictionary" is not used in the sense of spell-checking software. Reading in context

of the specification and claims, the person of ordinary skill in the art would understand the

meaning of dictionary not to be the cited less common meaning referring to spell-checking

software. Thus, Bohm does not disclose a dictionaries analysis as that term would be

interpreted, in the context of the specification and claims, by a person of ordinary skill in the

art. Because Bohm and the cited combination do not disclose such a dictionaries analysis,

claim 4 is patentable over the cited combination.

"[T]he mere fact that references can [PTO's emphasis] be combined or modified does

not render the resultant combination obvious unless the prior art also suggests [emphasis

added] the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed.

Cir. 1990)[.]" MPEP § 2143.01 at p. 2100-131.

Additionally, as the Examiner has noted (¶ 13), Bohm does not disclose a Metaphone

based analysis, a Phonex based analysis, nor a Soundex based analysis. Wheeler discloses a

Metaphone based analysis and a Soundex based analysis, and Lambert discloses a Phonex

based analysis. However, none of the references state a motivation to combine their

elements. As noted in the sections of Wheeler and Lambert cited by the Examiner;

Metaphone, Soundex, and Phonex are sound based analyses. However, Bohm's analyses are

strictly spelling based. Nowhere does Bohm indicate an intent, desire, need, or other

motivation to expand its analyses to other than spelling based. The required motivation to combine is not established by the prior art and record.

For at least the above reasons, the Applicants submit that claim 4 is patentable over the cited combination. The Applicants therefore respectfully request that the rejection of claim 4 under 35 U.S.C. 103(a) be withdrawn.

3. Claims 8, 12, 16 and 17 ---The Cited Combination Does Not Disclose the Features of Claims 8. 12, 16 and 17

Claims 8 is dependent upon claim 5. The argument on that issue set forth in addressing claim 5 is incorporated herein. The Applicants respectfully submits that the cited combination does not disclose all the features of claim 8. For example, the combination does not disclose receiving a query *about a party*. Nor does the combination contain the limitation that the database contain a plurality of restricted parties information.

Claims 8, 12, 16, and 17 stand rejected "with the same rationale as given for claim [c0004] [now amended as designated as claim 4]." In the interest of brevity. the Applicants incorporate by reference its arguments set forth above regarding claim 4. Claim 4 has been shown to be patentable over Bohm. Therefore. by virtue of the rejections of claims 8, 12, 16, and 17 being based upon the same rationale as the rejection of claim 4 -- which has been shown to be patentable -- claims 8, 12. 16. and 17 are also patentable over Bohm. The Applicants therefore respectfully request that the rejections of claims 8, 12, 16 and 17 under 35 U.S.C. 103(a) be withdrawn.
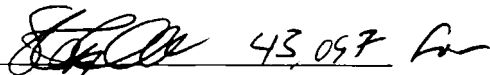
VI. CONCLUSION

For at least the reasons set forth above, the Applicants respectfully submit that claims 1-17 are in condition for allowance. The Applicants therefore respectfully request reconsideration of the rejections and objections. The Applicants respectfully request that the present application be allowed and passed to issue.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact the Applicants' undersigned representative.

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